

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.12537 of 2015

Arising Out of PS.Case No. -107 Year- 2014 Thana -HARSIDHI District-
EASTCHAMPARAN(MOTIHARI)

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1. Mukesh Kumar @ Mukesh Bhagat Son of Fulena Prasad @ Fulena Bhagat,
2. Fulena Prasad @ Fulena Bhagat, Son of Late Sukai Bhagat @ Late Sukai Prasad,
All residents of village - Panapur Ganchi Tola, P.S. - Harsidhi District - East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma
For the Opposite Party/s Mr. Md.Ansarul Haque(App)

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA
ORAL ORDER

02/ 03.04.2015 Heard learned counsel for the petitioners as well as learned Addl. Public Prosecutor for the State.

Petitioners apprehend their arrest in connection with Harsidhi P. S. case no. 107/2014 registered under sections 307, 379 and other allied sections of the Indian Penal Code.

No doubt, there is case and counter case between the parties and persons from both sides sustained injuries but in the present case, several persons sustained injuries said to be caused by **lathi** and other weapons and there is specific allegation against petitioner no.2 that he gave iron rod blow to the informant causing injury on his head and so far as petitioner no.1 is concerned, it is stated that he along with others assaulted informant's wife, aunt and uncle.

Considering the facts and circumstances as well as nature of

the allegation, I do not feel it proper to extend privilege of anticipatory bail to the petitioners and accordingly, their prayer for anticipatory bail in connection with Harsidhi P. S. case no. 107/2014 pending in the court of the Chief Judicial Magistrate East Champaran at Motihari stands rejected.

However, it is made clear that if petitioners surrender within four weeks from today and seek regular bail, the learned court below shall consider regular bail application of the petitioners on its own merit, particularly, keeping in mind the specific allegation levelled against them as well as nature of the injury sustained by the injured and also taking note of this fact that a counter case has been registered against prosecution party of this case for the occurrence of the same day and in the said case, several persons have, too, sustained injury.

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(Hemant Kumar Srivastava,J)

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